

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AVENTIS PHARMACEUTICALS INC. and
SANOFI-AVENTIS US LLC,

Plaintiffs,

V.

BARR LABORATORIES, INC.

Defendant.

C.A. No. 06-286 (GMS)

**BARR LABORATORIES, INC.'S EMERGENCY MOTION
TO SEAL TRANSCRIPT OF JULY 5, 2007 DISCOVERY TELECONFERENCE**

Defendant Barr Laboratories, Inc. (“Barr”), by and through its undersigned counsel, hereby respectfully moves the Court to issue an order placing the transcript of the July 5, 2007 discovery teleconference under seal, pending Barr’s review of the transcript and an opportunity for Barr to designate certain words, lines, and/or portions of the transcript as “Confidential” and to request that such words, lines, and/or portions to be redacted from the publicly-available version of the transcript. The procedure set forth in the proposed Order attached hereto also provides an opportunity for Plaintiffs to object to Barr’s proposed designations.

The basis for this motion is that (a) the contents of certain documents that Barr maintains are privileged and confidential were discussed during the conference; and (b) in the absence of a prompt Order sealing the transcript, the transcript will become available to the general public and the disclosure of Barr's confidential information will be irreversible.

WHEREFORE, Barr respectfully requests that the Court promptly issue an Order in the form attached hereto.

YOUNG CONAWAY STARGATT & TAYLOR LLP

/s/ Karen L. Pascale

July 6, 2007

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Attorneys for Defendant, Barr Laboratories, Inc.

CERTIFICATE OF SERVICE

I, Karen L. Pascale, Esquire, hereby certify that on July 6, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Steven J. Balick, Esquire [sbalick@ashby-geddes.com]
John G. Day, Esquire [jday@ashby-geddes.com]
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ASHBY & GEDDES
500 Delaware Avenue, 8th Floor
Wilmington, DE 19801

I further certify that on July 6, 2007, I caused a copy of the foregoing document to be served by hand delivery and e-mail on the above-listed counsel and on the following non-registered participants in the manner indicated:

By E-Mail

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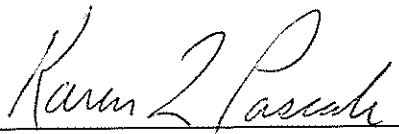
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LOCAL RULE 7.1.1 STATEMENT

I, Karen L. Pascale, Esquire, hereby certify pursuant to D. Del. LR 7.1.1 that I informed Plaintiffs' counsel of Barr's intent to seek the relief requested in the foregoing Motion (see attached e-mail of Friday, July 6, 2007 at 1:40 p.m. EDT), and Plaintiffs have not responded thereto.

In light of the fact that Plaintiffs are on record as disputing the privileged nature of the documents which were the topic of discussion during the July 5, 2007 discovery teleconference (*see* D.I. 98) (FILED UNDER SEAL), Barr respectfully suggests that any further efforts to secure Plaintiffs' consent to the matters set forth in the emergency motion would be futile. Furthermore, due to the emergency nature of the motion, which requests the prophylactic sealing of the transcript of the July 5, 2007 discovery teleconference in order to prevent the irreversible disclosure to the public of information which Barr maintains is privileged and confidential, Barr respectfully submits that there is insufficient time in any event for the parties to engage in further negotiations with respect to the immediate relief requested.


Karen L. Pascale (#2903)

Pascale, Karen

From: Pascale, Karen
Sent: Friday, July 06, 2007 1:40 PM
To: Steve Balick
Cc: 'Noe, Jeremy'; 'Rich, Joshua'; Andrew W. Williams; 'Rurka, Maureen'; 'Mano, Julia'; Ingersoll, Josy
Subject: Aventis v. Barr (06-286-GMS) - designation of 07-05-07 transcript as "Highly Confidential - Attorneys' Eyes Only"

Importance: High

Dear Steve: I understand that the full, unredacted transcript from yesterday's telephone conference is being finalized this afternoon. Because the contents of certain documents that Barr maintains are privileged and confidential were discussed during the conference, Barr will be requesting that Judge Sleet order that the transcript be sealed. More specifically, Barr wants the opportunity to review the transcript and designate certain words, lines or portions to be redacted from the public version of the transcript. Aventis, of course, will have an opportunity to object to those designations. Pending Judge Sleet's resolution of the issue, however, Barr is designating the entire transcript of the July 5, 2007 discovery dispute conference as "Highly Confidential - Attorneys' Eyes Only." Please treat it as you would any other material so designated.

Thank you,

Karen

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C.A. No. 06-286 (GMS)

ORDER

WHEREAS, the Defendant, Barr Laboratories, Inc. ("Barr"), has filed a "Motion to Seal Transcript of July 5, 2007 Discovery Teleconference" (the "Motion"), and good cause having been shown;

IT IS HEREBY ORDERED this ____ day of July, 2007, that Barr's motion is GRANTED, as follows:

1. The Court Reporter is hereby directed immediately to seal the transcript of the July 5, 2007 Discovery Teleconference (the "Transcript");
2. Within three (3) business days of the date of this Order, Barr shall serve upon Plaintiffs the designations of the portions of the Transcript that Barr believes should be redacted from the public version of the Transcript;
3. Within three (3) business days after receiving Barr's designations, Plaintiffs shall serve upon Barr any objections to Barr's designations;

4. If there are no objections to Barr's designations, Barr shall promptly inform the Court Reporter of its designations, and those portions of the Transcript shall be redacted from the public version of the Transcript;

5. If Plaintiffs object to Barr's designations, the parties shall submit Barr's designations and Plaintiffs' objections to the Court under seal within three (3) business days after service of Plaintiffs' objections, and the Court shall determine by further Order which portions of the Transcript, if any, shall be redacted from the public version of the Transcript.

UNITED STATES DISTRICT JUDGE